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DOC #: \_\_\_\_\_  
DATE FILED: 10/7/2021

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JOSE SANDOVAL, *individually and on  
behalf of others similarly situated,*

*Plaintiff,*

-against-

C. BASTOS CONSTRUCTION, INC.  
(d/b/a CARLOS BASTOS  
CONSTRUCTION) and CARLOS  
BASTOS

*Defendants.*

-----X

**16-CV-9020-NSR**

**DEFAULT JUDGMENT**

This action was commenced on November 19, 2016 (Doc. No. 1). Summonses were issued for the corporate defendant (Doc. No. 5) and the individual defendant (Doc. No. 6) on November 21, 2016. Service was then made on C. Bastos Construction, Inc. on December 30, 2016 and on Carlos Bastos on January 4, 2017 (*see* Doc. Nos. 8 and 9).

To date, no Defendant has answered the Complaint or otherwise appeared or moved, and the Clerk of this Court has certified the default of Defendants C. Bastos Construction, Inc. and Carlos Bastos (Doc. Nos. 14-15). The time for answering the Complaint having expired, it is

NOW, on motion of Plaintiff, by his attorneys Michael Faillace & Associates, P.C., it is hereby ORDERED, ADJUDGED AND DECREED:

That the plaintiff have judgment jointly and severally against the Defendants C. BASTOS CONSTRUCTION INC. (d/b/a CARLOS BASTOS CONSTRUCTION), and CARLOS BASTOS, in the liquidated amount of \$121,493.26, including (A) compensatory damages for unpaid minimum and overtime wages in the amount of \$41,060.00, (B) liquidated damages for unpaid overtime wages under the FLSA/NYLL in the amount of \$37,460.00, (C) pre-judgment

interest on unpaid overtime wages calculated at the rate of 9% per annum until to the date of judgment, and totaling \$31,585.26 as of September 27, 2021, and (D) statutory damages for violation of New York Labor Law § 195 in the amount of \$10,000,

That the Plaintiff is awarded attorney's fees in the amount of \$4,991.00, and costs in the amount of \$673.88,

That the Plaintiff is awarded post judgment interest, as calculated under 28 U.S.C. § 1961.

That if any amounts remain unpaid upon the expiration of ninety days following issuance of judgment, or ninety days after expiration of the time to appeal and no appeal is then pending, whichever is later, the total amount of judgment shall automatically increase by fifteen percent, as required by NYLL § 198(4).

The Clerk of the Court is kindly directed to terminate the Motion at ECF 43 and to terminate this action.

Dated: White Plains, New York  
October 7, 2021

SO ORDERED:

  
\_\_\_\_\_  
NELSON S. ROMÁN  
United States District Judge